

## REMARKS

### Amendments

5           In the specification, page 10 has been amended to provide explicit counterparts  
for  
             (a) the requirement of a number of claims that the side chain crystalline  
             (SCC) polymer is present in amount such that it thickens the oil, and  
             (b) the requirement of a number of claims that the SCC polymer is present in  
10          amounts at least 2%.

In the claims, new Claims 52- 58 have been added. These new claims are dependent on one of the independent claims specifying that the SCC polymer is present in amount such that it thickens the oil, or in amount at least 2% by weight, and each of  
15          the new claims specifies that the SCC polymer is present in amount 2 to 7%, based on the weight of the oil, in a water-free composition, or 0.5 to 5% in a water-in-oil or oil-in-water emulsion. Thus, even if the Examiner, contrary to the submissions of the Applicant, maintains the present objection under 35 U.S.C. 132 and rejections under 35 U.S.C. 112, amended claims 17, 21 and 28-39 are clearly not subject to that objection  
20          and those rejections.

### The Objection under 35 U.S.C. 132.

Applicant respectfully traverses the objection under 35 U.S.C. 132, for the  
25          reasons set out in detail below in connection with the rejection of claims 1-5, 9-12, 20,  
             37 and 38 under 35 U.S.C. 112. Similarly, the reasons set out in detail below in  
connection with the rejection of claims 5, 9,17-20 and 27 under 35 U.S.C. 112 are  
applicable to any potential objection under 35 U.S.C. 132 arising from the amendment  
of the paragraph beginning on page 10, line 14 to provide specific basis for amounts  
30          greater than 2%.

## The Rejections under 35 U.S.C. 112

Applicants respectfully traverse

5           (1)     the rejection of claims 1-5, 9-12, 20, 37 and 38 under 35 U.S.C. 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention";

10          (2)     the rejection of claims 1-5, 9-12, 20, 37 and 38 under 35 U.S.C. 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to enable one skilled in the art... to make and/or use the invention";

15          (3)     the rejection of claims 21-25, 39 and 40 under 35 U.S.C. 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention"; and

20          (4)     the rejection of claims 21-25, 39 and 40 under 35 U.S.C. 112, first paragraph, "because the specification... does not reasonably provide enablement for a 2-100% by weight concentration range of the SCC polymer" and because "the specification does not enable any person skilled in the art ... to make or use the invention commensurate in scope with these claims;

25          insofar as those rejections can be understood and insofar as they are applicable to the amended claims, for the reasons set up below.

### 1. The Rejection of Claims 1-5, 9-12, 20, 37 and 38 for Lack of Written Description

30          Each of claims 1-5, 9-12, 20, 37 and 38 requires, directly or indirectly, that the "SCC polymer" is present in amount such that it thickens the oil".

The stated basis for the rejection of these claims for lack of written description is:  
*There is no mention in the original specification of a SCC polymer 'being present in amount such that it thickens the oil'.*

5      Page 2, lines 1-8, of the specification as filed, states:

*We have discovered, in accordance with the present invention, that a broad range of side chain crystalline (SCC) polymers can be used to thicken oils.....*

Consistent with this initial statement of the invention, the remainder of the specification  
10     constantly refers to the fact that the purpose and result of adding the crystalline polymers to the oils is to produce a thickened oil composition. Reference may be made, for example to the following passages.

*A thickened oil composition (page 3, lines 9 and 22, and line 1 of claims 1, 9, 15 and 20)*

15     *using these SCC polymers as thickening agents (page 4, line 14), the SCC polymers used as thickeners in the present invention (page 6, line 14), when the SCC polymer is used to thicken an oil or mixture of oils which is free of water... (page 8, lines 27-28)*

*the thickening polymer (page 9, lines 30, page 10, lines 2 and 4)*

20     *the polymeric thickener (page 5, line 29, page 6, line 12, and page 10, lines 14 and 22 ),*

These generalized references to the use of the SCC polymers as thickening agents, and to the production of thickened oil compositions, inherently disclose that the SCC polymer is used in an amount sufficient to thicken the oil. While the precise words "is  
25     present in amount of such that it thickens the oil" are not used, Applicants submit that there cannot be the slightest doubt that those words do no more than express an inherent disclosure of the application as filed.

Furthermore, the passage in the specification which refers to explicit amounts of  
of the SCC polymer, namely Page 10, lines 14-18, of the specification as filed, reads  
30     (emphasis added):

The amount of the polymeric thickener **preferably** used varies with the application. It is **usually** unnecessary for the amount of the thickener to be more than 10% by weight based on the weight of the oil. Smaller amounts **such as** 2 to 7% based on the weight of the oil in compositions which are free of water, and 5 0.5 to 5% based on the weight of composition in water-in-oil emulsions, are **often** effective.

This passage, through its use of the words "preferably", "usually", "such as" and "often", clearly teaches that the amounts in question are not mandatory amounts, and thus confirms the overall teaching of the specification that the SCC polymer should be used 10 in an amount sufficient to thicken the oil.

2. The Rejection of Claims 1-5, 9-12, 20, 37 and 38 for Lack of Enablement.

Claims 1-5, 9-12, 20, 37 and 38 have been rejected for lack of enablement. The 15 stated basis for this ground of rejection is:

*There is nothing in the original specification to guide one of ordinary skill in the art, to determine the level of concentration at which the polymer starts to thicken the oil.*

20 The specification as filed contains, on page 9, lines 14-18, an indication of the amounts of the SCC polymer which are preferably used to thicken the oil, and provides specific examples of thickened oils. The thickening of oils by the addition of suitable additives is a well-known technology, as evidenced by the numerous prior art documents which are of record in this application. For example, U.S. Patent No. 25 5,736,125 (Morawsky), which is referred to in the application as filed (see page 1, lines 19-20) and which is now explicitly incorporated by reference, states in column 3, lines 19-21

*In the compositions, the amount of thickening copolymer... is present in an amount sufficient to thicken the composition to the desired thickness.*

30 Those skilled in the art will have no difficulty, therefore, having regard to their own knowledge, the disclosure of this application, and routine experimentation, in

determining the amounts of SCC polymer to be used for thickening oils. Applicant asserts, therefore, that the specification contains enablement commensurate in scope with the protection sought by the claims. It is well-settled law that under such circumstances, a rejection of lack of enablement must be withdrawn unless the

5 Examiner substantiates the rejection by reason or evidence. For example, the CCPA, in *in re Budnick*, 190 USPQ 422, observed

*Where an applicant has asserted that the specification contains enablement commensurate in scope with the protection sought by the claims, but the Examiner is of the opinion that the disclosure is not enabling, he has the burden of substantiating his doubts concerning enablement with reason or evidence.*

10 In the present case, the Examiner has not substantiated his doubts in anyway. He has merely **asserted** that the specification is not enabling. It is submitted, therefore, that the rejection should be withdrawn.

15 3. The Rejection of Claims 21-25, 39 and 40 for Lack of Written Description

Each of claims 21-25, 39 and 40 requires, directly or indirectly, that the composition contains at least 2% by weight of the SCC polymer.

The stated basis for the rejection of these claims for lack of written description is:

20 *The "at least 2% by weight" concentration level of the SCC polymer cannot be found in the specification..*

Page 10, lines 14-18, of the specification as filed, reads (emphasis added):

*The amount of the polymeric thickener **preferably** used varies with the application. It is **usually** unnecessary for the amount of the thickener to be more than 10% by weight based on the weight of the oil. Smaller amounts **such as** 2 to 7% based on the weight of the oil in compositions which are free of water, and 0.5 to 5% based on the weight of composition in water-in-oil emulsions, are often effective.*

30 This passage explicitly recites the 2% value which is the minimum stated in claims 21-25, 39 and 40, and makes it clear that the 2-7% range is exemplary, not mandatory

("such as 2-7%"). This passage also clearly discloses the use of amounts more than (or less than) 10%. Thus the phrase "It is usually unnecessary for the amount... to be more than 10%" clearly contemplates that in some cases more than 10% may be used.

5        Furthermore, as discussed in detail above, the overall teaching of the specification is that the SCC polymer should be used in an amount sufficient to thicken the oil. The quoted passage provides explicit basis for 2%, and explicitly discloses the use of "more than 10%". It is submitted, therefore, that this passage, read in the context of the specification as a whole, clearly conveys to one skilled in the relevant art that the  
10      inventor, at the time the application was filed, clearly understood (and disclosed) the possibility of using "at least 2% by weight" of the SCC polymer.

#### 4. The Rejection of Claims 21-25, 39 and 40 for Lack of Enablement

15        Each of claims 21-25, 39 and 40 requires, directly or indirectly, that the composition contains at least 2% by weight of the SCC polymer.

The stated basis for the rejection of these claims for lack of enablement is:

*The specification, while being enabling for the 2 - 10% by weight concentration range of the SCC polymer, does not reasonably provide enablement for a 2-100% by weight concentration range of the SCC polymer.*

20        The specification as filed contains, on page 10, lines 14-18, an indication of the amounts of the SCC polymer which are preferably used to thicken the oil, and provides specific examples of thickened oils. The thickening of oils by the addition of suitable additives is a well-known technology, as evidenced by the numerous prior art  
25      documents which are of record in this application. For example, U.S. Patent No. 5,736,125 (Morawsky), which is incorporated by reference in the application as filed (see page 1, lines 10-13) states in column 3, lines 19-21

*In the compositions, the amount of thickening copolymer... is present in an amount sufficient to thicken the composition to the desired thickness.*

30        Those skilled in the art will have no difficulty, therefore, having regard to their own knowledge, the disclosure of this application, and routine experimentation, in

determining the amounts of SCC polymer to be used for thickening oils. Applicant asserts, therefore, that the specification contains enablement commensurate in scope with the protection sought by the claims. It is well-settled law that under such circumstances, a rejection of lack of enablement must be withdrawn unless the

5      Examiner substantiates the rejection by reason or evidence. For example, the CCPA, in *in re Budnick*, 190 USPQ 422, observed

10      *Where an applicant has asserted that the specification contains enablement commensurate in scope of the protection sought by the claims, but the Examiner is of the opinion that the disclosure is not enabling, he has the burden of substantiating his doubts concerning enablement with reason or evidence.*

In the present case, the Examiner has not substantiated his doubts in anyway. He has merely **asserted** that the specification is not enabling. It is submitted, therefore, that the rejection should be withdrawn.

15      The Rejections under 35 U.S.C. 102 and 35 U.S.C. 103

Applicants respectfully traverse

(1)      the rejection of claims 1-5, 9-12, 20, 37 and 38 under 35 U.S.C. 102 as anticipated by Mueller (U.S. Patent No. 5,281,329), and  
20      (2)      the rejection of claims 1-5, 9-12, 20, 32-38, 43 and 44 under 35 U.S.C. 103 as unpatentable over Mueller,

insofar as those rejections are applicable to the amended claims, for the following reasons.

25      The Office Action states

*Anticipating the removal of the new matter, the rejections elucidated in Paper #4 are maintained in their entirety. Furthermore, the rejections are extended to claims 32-38, 43 and 44, using the same rationale. Since the SCC polymers of Mueller are useful with petroleum oil fractions, their use would be obvious in any oily organic liquid. Leaving out solvents also would have been obvious because of their harmful effects on the environment.*

According to Applicant's records, Paper #4 is the Office Action mailed January 28, 2002, and Paper #8 is the Office Action mailed May 8, 2002. The only rejection in Paper #4 under 35 U.S.C. 102/103 is a rejection of claims 1-5, 8-12 and 20 over Mueller; all the other claims were allowed or stated to be allowable if rewritten in independent form. In

5 Paper #8, claims 1-5, 9-12, 20, 32-38, 43 and 44 were rejected under 35 U.S.C. 102/103 over Mueller; the other claims were not rejected under 35 U.S.C. 102/103 and claims 6,7, 13-19, 26, 31, 41,42,45 and 46 were allowed. It is not clear to Applicant whether the present Office Action correctly reflects the Examiner's intention to refer only to Paper #4, or whether the reference should have been to Paper #8, or to both Paper

10 #4 and Paper #8. It is also unclear how the rejections of Paper #4 and/or #8 can be "maintained "in relation to claims which were not previously rejected. In the interests of speedy prosecution, Applicant has set out below a detailed commentary on the relationship between the present claims and the Mueller reference, and on all the earlier rejections under 35 U.S.C. 102 and 103, insofar as those rejections can be understood.

15 Much of this commentary repeats remarks made in the Replies to Papers #4 and #8.

As noted above, and in the response to the previous Office Action, Applicant believes that no new matter has been added to this application. The specification and claims are not, therefore, being amended in the way apparently anticipated by the

20 Examiner. As noted in the Reply to the previous Office Action, the rejections of Paper #8 appear to have been formulated, at least in part, on the assumption that the limitation that the SCC polymer is "present in amounts such that it thickens the oil" should be ignored. Similarly, it appears that the Examiner is continuing to reject claims on the basis that this limitation, and the limitation that the SCC polymer is present in amount at

25 least 2 of%, should both be ignored. Applicant remains of the opinion that the patentability of the claims under 35 U.S.C. 102/103 must be determined on the basis of the claims as they are written, not on the basis of notionally amended claims.

**(A) The Rejections under 35 U.S.C. 102/103 in Paper #4**

30

Paragraphs 2 and 5 of Paper #4 set out the following bases for the rejections.

Mueller et al. disclose oil and SCC polymers in claims 1-5 and dissolving the polymers in hot oil in column 4, lines 25-28. The SCC polymers are discussed in detail from column 2, line 15, to column 3, line 30. All properties are inherent in the composition. Cooling occurs when the heat is removed. Applicants' claims are not novel.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add the polymers of Mueller to the oil of Mueller without diluting them with the solvent, in order to avoid the necessary steps of dealing with environmentally harmful solvents.

Mueller does not relate to the treatment of oils in general. It is concerned only with the treatment of an oil which (a) is a crude oil, vacuum gas oil or residual oil and (b) contains substantial quantities of paraffins which dissolve in the oil at higher temperatures, but crystallize out on cooling. These paraffins lower or prevent the ability of the oils to flow at low temperatures. In Mueller's Examples, the oils have pour points of 6-30 °C. (the pour point is the temperature below which the oil will not flow). Mueller's objective is to reduce the pour point of the oil. He does this by dissolving into the oil an additive which is a mixture of a relatively low melting SCC polymer and a relatively high melting SCC polymer. The quantity of the additive is very small. A range of 1-10,000 ppm (0.001-1%) is given, with a preferred range of 0.005-0.2%. In the Examples, the amounts used are 4-1,000 ppm (0.004-0.1%). According to Mueller, the additive is "incorporated in the growing paraffin crystals and in this way hinders the further growth of the crystals and the formation of extended crystal conglomerates" (column 1, lines 26-30). Mueller does not disclose any compositions containing water.

A comparison of Mueller and the present application makes it clear that Applicants use substantially greater quantities of the SCC polymer than Mueller, and that Applicants achieve a result which is the opposite of that achieved by Mueller. For example, 2% is the minimum amount of SCC polymer explicitly disclosed in this application for a composition which (like Mueller's compositions) is free of water, i.e. 2

times the maximum disclosed by Mueller and 20 times the maximum amount used in any of Mueller's specific examples. Applicants' Examples use 5 % of the SCC polymer.

There is nothing in Mueller to suggest that there is any reason to add the mixture  
5 of SCC polymers to any oil that does not need to have its pour point reduced.

From this summary of Mueller, it will be apparent that Mueller's objective is the very reverse of Applicants' objective. Mueller takes an oil that is thick and makes it fluid. Applicants take an oil that is fluid and make it thick.

10

Some of the claims in this application include compositions which comprise (i) a paraffin-containing oil as specified by Mueller which requires, for some reason, additional thickening, and (ii) a mixture of SCC polymers as specified by Mueller. However, none of the claims includes anything disclosed or suggested by Mueller.

15 Thus, each of Applicants' claims is directed to a thickened oil composition and contains at least one of the following requirements

- 1) the SCC polymer is used "in amount such that it thickens the oil";
- 2) the SCC polymer is used in amount at least 2% by weight,
- 3) the composition is an water-in-oil or oil-in-water emulsion, and
- 20 4) the oil is an oil as specified in Claim 32.

Each of these limitations clearly excludes everything disclosed by Mueller. Furthermore, each of these limitations clearly excludes everything suggested by Mueller, since it cannot be obvious to modify Mueller in a way that is directly contrary to Mueller's instructions, i.e. so as to produce a **thickened** oil composition and using an amount of  
25 the SCC polymer far in excess of anything disclosed by Mueller, and/or producing a water-in-oil or oil-in-water emulsion, and/or using an oil which is outside the scope of the oils used by Mueller.

30

**(B) The Rejections under 35 U.S.C. 102/103 in Paper #8**

1. The Rejection of Claims 1-5, 9-12, 20, 37 and 38 in Paper #8 under 35 U.S.C.  
102

5

Paragraph 14 of the Office Action sets out the following bases for this rejection.

(a) *Since the minimum amount of SCC polymer necessary to thicken the oil is not known, the limitation is meaningless... new matter and not enabling.*

For the reasons set out in detail above, Applicants believe that the  
10 limitation that the SCC polymer is present in amount such that it thickens the oil  
is properly included in the rejected claims, and must, therefore, be given effect  
when considering any rejection under 35 U.S.C. 102 or 103.

(b) *Mueller does not use the SCC polymer as a thinner, but as a pour point  
depressant, i.e. a freezing point depressant.*

15 It is of course correct that Mueller uses the SCC polymer as a pour point  
depressant. However, it is also true that Mueller consistently refers to the SCC  
polymers as "flow improvers", and that in Mueller's disclosure, the effect of the  
SCC polymer is to make the oil more easily pourable (i.e. "thinner"). This effect  
is demonstrated specifically in Examples 8-13 of Mueller. For example, in  
20 Example 8, the oil without any additive cannot be poured (i.e. is very thick) at all  
temperatures below 30 °C, whereas, with the additives, the oil is pourable at  
lower temperatures. In view of these facts, Applicant do not understand why the  
Examiner apparently thinks that it is both possible and relevant to distinguish  
between use of the SCC polymer as a pour point depressant and as a thinner. In  
25 any event, whatever the precise words used, the fact remains that Mueller's  
objective is totally different from Applicants' objective. Mueller takes an oil that is  
thick and makes it fluid, whereas Applicants take an oil that is fluid and makes it  
thick.

30 (c) *What happens to the viscosity when SCC polymer is added in an amount  
of less than 1%, is unknown.*

Applicants do not understand whether this comment is meant to apply to the Mueller reference or to the claimed invention, or its significance in either case.

(d) *The only thing we know from applicant's specification that the effective thickening amount can be between 2 and 10%.*

5 Applicants are uncertain what is meant by this statement. It is true that it is known from Applicants' specification that the effective thickening amount **can be** between 2 and 10%. But it is not correct to say that it is known from Applicants' specification that the effective thickening amount **must** be between 2 and 10%. On the contrary, as pointed out above, Applicants' specification teaches one of ordinary skill in the art that the SCC polymer can be used in any amount that is effective, and in particular that the effective thickening amount can be more than 10% or less than 2%.

10

(e) *Since applicant is trying to cover the 1-2 % range with their new limitation, the 2-10 % range limitation is meaningless.*

15 The limitation that the SCC polymer is present "in amount such that it thickens the oil" means what it says. The Examiner is incorrect in characterizing it as "trying to cover the 1-2% range".

2. The Rejection of Claims 1-5, 9-12, 20, 32-38, 43 and 44 under 35 U.S.C. 103 in  
20 Paper #8.

Paragraph 17 of the Office Action sets out the following basis for this rejection.

*Mueller is useful with petroleum oil fractions. See column 3, line 60.*

25 *Since mineral oils and vaseline oils are petroleum oil fractions, the use of the pour point depressant of Mueller in Applicant's claimed compositions, would be clearly obvious... Also it would have been obvious... to add the polymers of Mueller to the oil of Mueller without diluting them with a solvent, in order to avoid the necessary steps of dealing with environmentally harmful solvents.*

The present Office Action adds the following to this basis for rejection.

30 *Since the SCC polymers of Mueller are useful with petroleum oil fractions, their use would be obvious with any other organic oily substance. Leaving out*

*solvents also would have been obvious because of their harmful effects on the environment.*

It is true that column 3, line 60, of Mueller refers to "petroleum oil fractions".

5 However, the quoted phrase **is only part of** a sentence which runs from column 3, line 60 to column 4, line 2. The complete sentence makes it clear that Mueller is not concerned with **all** petroleum oils and petroleum oil fractions, but only with crude oils, vacuum gas oils having a boiling point of 320-500°C, and residual oils which distill above 350°C. Furthermore, the remainder of Mueller makes it clear that Mueller's  
10 starting materials are always oils whose "ability... to flow is lowered or entirely prevented" by the "paraffins contained therein" (column 1, lines 14-19), and that the effect of adding the SCC polymer to them is to improve their flow characteristics. It is, therefore, incorrect to conclude that the oils referred to in Applicants' claim 32 are disclosed in Mueller. Still more is needed incorrect to say that it is obvious to use SCC  
15 polymers in compositions in which their presence produces an effect (thickening) diametrically opposed to that desired by Mueller.

The Examiner has asserted that it would have been obvious to use Mueller's SCC polymers in "any oily organic liquid". As previously noted, Mueller is concerned  
20 only to produce a very specific effect in a very specific class of oils. The Examiner has not advanced any rationale in support of his assertion that it would have been obvious to extend Mueller's teaching beyond that very specific class of oils. It is submitted that, in the absence of any such rationale, it cannot be correct to say that it would have been obvious to use Miller's SCC polymers in any oily organic liquid.

25

Applicants do not understand the relevance of the Examiner's comments about the addition of Mueller's polymers to the oil without first diluting them with a solvent. The issues now under consideration depend upon the compositions themselves, not upon the manner in which the compositions are prepared.

30

As previously noted, it appears to Applicants that the Examiner's rejection of claims 1-5,9-12, and 20 under 35 U.S.C. 102 and 35 U.S.C. 103 are based on a construction of the claims that ignores the limitation that the SCC polymer is present in amount such that it thickens the oil. Applicants submit that, since the claims in question 5 do in fact contain that limitation, their patentability under 35 U.S.C. 102 and 103 must be determined on the basis that the limitation is indeed present, independently of any questions that may arise under 35 U.S.C. 112. In summary, Applicants submit that the rejection of these claims under 35 U.S.C. 102 and 103 should be withdrawn, because

(1) Mueller nowhere discloses a composition in which the presence of the 10 SCC polymer results in thickening of the oil;

(2) Mueller's sole objective is to provide compositions in which the presence of the SCC polymer increases the pourability of the oil, i.e. makes the oil thinner; and

(3) Mueller is concerned only with oils which are clearly different from those 15 specified in Claim 32;

and because it cannot be obvious to modify Mueller in a way that is directly contrary to Mueller's instructions, i.e. so as to **decrease** the pourability of the oil, as taught by Applicants, rather than to **increase** the pourability of the oil, as taught by Mueller.

20 **RENEWED REQUEST FOR CONSIDERATION OF PREVIOUSLY-FILED PETITION  
TO ADD ADDITIONAL PRIORITY CLAIM**

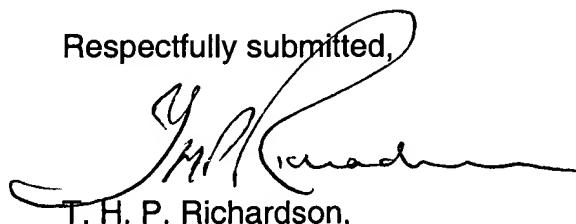
The end of the Reply to Paper #4 contains a discussion of the earlier-filed Petition to Add Additional Priority Claim, on which no decision has been received by 25 Applicants. The Examiner is asked to review that discussion and the Petition, and to confirm that both priorities have now been properly claimed.

**CONCLUSION**

30 It is believed that this application is now in condition for allowance, and such action at an early date is earnestly requested. If, however, there are any outstanding

issues that could usefully be discussed by telephone, the Examiner is asked to call the undersigned.

Respectfully submitted,



A handwritten signature in black ink, appearing to read "T. H. P. Richardson".

T. H. P. Richardson,

Registration No. 28,805,

Tel No. 650 854 630



A handwritten checkmark in black ink, consisting of a small circle with a diagonal line through it.



Docket No. 12969-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bitler et al

Group Art Unit: 1714

5 Serial No.: 09/810,920

Examiner: Peter Szekely

Filing Date: March 16, 2001

10 Title: Polymeric Thickeners for Oil-containing Compositions

**VERSION OF AMENDED PARAGRAPH OF THE SPECIFICATION WITH MARKINGS  
TO SHOW CHANGES REQUESTED BY THE ACCOMPANYING REPLY, FILED IN  
ACCORDANCE WITH 37 CFR 1.121(b)(1) AND (2).**

15 This paper sets out a version of the paragraph rewritten as requested by the accompanying Reply, marked up to show all the changes relative to the previous version of the paragraph. In this version, the changes are shown by brackets (for deleted matter) and underlining (for added matter).

20 The paragraph beginning on page 10, line 14 (with the words "The amount of the polymeric thickener .....") and ending on page 10, line 18 (with the words "..... often effective.") has been rewritten to incorporate the changes shown below.

25 The amount of the polymeric thickener preferably used varies with the application. The polymeric thickener should be used in an amount sufficient to thicken the oil, for example 2-10% by weight of the composition. It is usually unnecessary for the amount of the thickener to be more than 10% by weight based on the weight of the oil. Smaller amounts such as at least 2%, e.g. 2 to 7%, based on the weight of the oil in compositions which are free of water, and at least 0.5%, e.g. 0.5 to 5%, based on the weight of composition in water-in-oil emulsions, are often effective.

30

Respectfully submitted,

T. H. P. Richardson

Registration No.28,805, Tel No. 650 854 630,

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231  
On Sept 27, 2002      Typed name of person signing this certificate: T. H. P. Richardson  
Signature